IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No.3343 of 1994.

Pune Vidhyarthi Gruha ..Petitioner

vs.

1. State of Maharashtra
and others ..Respondents

Shri P.S.Dani for petitioner.
Ms.P.S.Cardozo for respondent nos. 1 and 2
Shri M.L.Patil for respondent no.3.

CORAM: S.B.MHASE AND
D.G.KARNIK JJ.
30th January, 2006

P.C.

1. Learned counsel for the petitioner states that the appointment of respondent no.3 to the post of Laboratory Assistant has been sactioned by respondent no.2 with effect from 12th July, 1995. He further states that in view of the said sanction the petitioner would not terminate the service of respondent no.3 save in accordance with the provisions of the Maharashtra Employees of Private School (Conditions of Service) Act and Rules framed thereunder. He tenders an affidavit to that effect sworn in by the Chairman and Secretary of the petitioner society. The affidavit is taken on record and marked "X" for identification.

2. Learned counsel for respondent no.3 states that in view ofthe fact that the service of respondent no.3 has been permanently approved by respondent no.2 and since the salary has been paid since 12th July, 1995 he would not claim any arrears of salary but he may be granted continuity of service from the date of appointment i.e. 1st December, 1990. He tenders the purshis to that effect. The purshis is taken on record and marked "Y" for identification.

3. Learned counsel for the petitioner and respondent no.3, therefore, state that the order at Exh.K to the petition be struck down. We have perused the order at Exh.K. We are of the view that respondent no.2 had no authority to issue oral directions as are contained in Exh.K. Hence, the said directions are quashed and set aside. However, since the service of respondent no.3 has been confirmed no further orders are necessary in the petition. Petition is accordingly disposed of.

(D.G.KARNIK J.) **(S.B.MHASE J.)**